In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.3965 of 2006.

Date of decision:16.1.2007.

Tarvinder Kumar.

...Petitioner.

Versus

Raj Kumar.

...Respondent.

...

Coram: Hon'ble Mr. Justice S.N. Aggarwal.

...

Present: Mr.Deepak Sharma Advoate for the petitioner.

Mr.S.K.Dahiya Advocate for the respondent.

...

Judgment.

S. N. Aggarwal, J.

The petitioner is the defendant in the learned trial Court. A legal objection was taken by him in the written statement about the jurisdiction of the Court. However, no issue to that effect was framed when the issues were framed on 10.1.2005. Thereafter,when the respondent was leading evidence, the petitioner filed an application under Order 14 Rule 5 C.P.C for framing of an additional issue about the jurisdiction of the Court.

The said application has been dismissed by the learned trial Court vide impugned order dated 22.5.2006.

Hence, the present revision petition.

Submits that the respondent has filed a suit for possession while admitting the petitioner as the tenant in the demised premises. Therefore, he had raised the question of jurisdiction of Civil Court and the issue to that effect is necessary.

On the other hand, the submission of learned counsel for the respondent was that an issue has been framed about the entitlement of the respondent to claim possession and,therefore, this issue covers the question of jurisdiction as well. In any case,it would be covered under the issue regarding maintainability of civil suit framed in this case.

After considering the rival submissions advanced before me, this Court reaches the conclusion that when a specific plea was taken by the petitioner about the jurisdiction of the Civil Court, a specific issue to that effect should have been framed.

Accordingly, the impugned order dated 22.5.2006 is set aside. The learned trial Court is directed to frame an additional issue regarding jurisdiction of the Civil Court as proposed by the petitioner.

This Civil Revision is disposed of accordingly.

January 16,2007. **(S. N. Aggarwal)**
Jaggi **Judge**